

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JUAN DIAZ

PETITIONER

VS.

CIVIL ACTION NO. 5:15-cv-2(DCB)(MTP)

BARBARA WAGNER

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 7**), to which no objections were filed by the Petitioner. Having carefully reviewed same, the Court finds that the Petitioner is not entitled to pursue his claims in a writ of habeas corpus under 28 U.S.C. § 2241. Furthermore, if he were to pursue a civil rights claim instead, he has not asserted a violation of a constitutionally protected right entitling him to relief under Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics, 403 U.S. 388 (1971). Finally, the Government reports that the Petitioner was released from custody on or about March 30, 2016. Thus, it appears that this case may be mooted by Petitioner's release from BOP custody. Therefore, the Court adopts the Report and Recommendation, and shall dismiss the Petition for Writ of Habeas Corpus with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Michael T. Parker's Report and Recommendation (**docket entry 7**) is ADOPTED as the findings and conclusions of this Court;

IT IS FURTHER ORDERED that the Petition be dismissed with prejudice.

A Final Judgment dismissing the Petition with prejudice will follow in accordance with Federal Rule of Civil Procedure 58.

SO ORDERED, this the 27th day of October, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE